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JUL 14 2010

OFFICE OF PETITIONS

In re Patent No. 7,660,324 : DECISION ON REQUEST FOR
OGUCHI et al. : RECONSIDERATION OF
Issue Date: February 9, 2010 : PATENT TERM ADJUSTMENT AND
Application No. 09/988,958 : NOTICE OF INTENT TO ISSUE
Filed: November 19, 2001 : CERTIFICATE OF CORRECTION
Atty. Docket No. FUJZ 19.185 :

This is a decision on the petition filed on January 26, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by five hundred sixteen (516) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**. The term of the above-identified patent is extended or adjusted by **eight hundred forty-two (842) days**.

Patentees do not dispute the calculation of 888 days of PTO delay ("A delay"). However, patentees dispute the reduction of 96 days associated with the filing of the Information Disclosure Statement ("IDS") on November 6, 2009, after the mailing of the notice of allowance pursuant to 37 CFR 1.704(c)(10).

Specifically, patentees assert that the Examiner acted on the IDS and mailed a responsive communication on December 16, 2009. Patentees contend that they should have been assessed 41 days of applicant delay (not 96 days) for the period beginning on the

filing date of the IDS, November 6, 2009, and ending on the mailing date of the communication in response to the IDS, December 16, 2009. See 37 CFR 1.704(c)(10).

Patentees' contention is well taken. A review of the application history confirms that patentees' calculation of the period of reduction of patent term under 37 CFR 1.704(c)(10) for the filing of the IDS on November 6, 2009, is correct. Therefore, the period of reduction of 96 days will be removed and a period of reduction of 41 days will be entered.

Further, a review of the record reveals that a period of adjustment pursuant to 37 CFR 1.702(b) should have been entered for the Office issuing the patent in excess of three years after filing the application ("B delay"). As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the B delay period, the over three year period begins on November 20, 2004, and ends on May 7, 2006, the day before the RCE was filed, and is 534 days. See 35 U.S.C. 154(b)(1)(B)(i). However, A delay and B delay overlap by 208 days (from November 20, 2004 to June 15, 2005).

Accordingly, the patent term adjustment is 842 days (888 days of A delay + 534 days of B delay - 208 days of overlap - 372 days of applicant delay).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office will charge the Deposit Account for the \$200.00 fee set forth in 37 CFR 1.18(e) as authorized. No additional fees are required.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **eight hundred forty-two (842) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT: 7,660,324 B2

DATED: Feb. 9, 2010

DRAFT

INVENTOR(S): OGUCHI et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 461 days.

Delete the phrase "by 461 days" and insert – by 842 days--

Day : Wednesday


PALM INTRANET

Date: 7/14/2010

Time: 08:32:35

PTA Calculations for Application: 09/988958

Application Filing Date:	11/19/2001	PTO Delay (PTO):	888
Issue Date of Patent:	02/09/2010	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	427
Post-Issue Petitions:	0	Total PTA (days):	842
PTO Delay Adjustment:	381		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
111	07/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	326		
110	07/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		41	
109	07/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	96		
105.5	01/20/2010	PTA 36 MONTHS			
105	02/09/2010	PATENT ISSUE DATE USED IN PTA CALCULATION			
104	01/15/2010	EXPORT TO FINAL DATA CAPTURE			
103	01/04/2010	DISPATCH TO FDC			
102	12/31/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
101	12/22/2009	ISSUE FEE PAYMENT VERIFIED			
100	12/22/2009	ISSUE FEE PAYMENT RECEIVED			
99	12/16/2009	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
98	12/15/2009	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
97	11/06/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
96	11/18/2009	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
95	11/17/2009	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
94	11/06/2009	ELECTRONIC INFORMATION DISCLOSURE STATEMENT		96	
93	11/06/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
92	10/29/2009	FINISHED INITIAL DATA CAPTURE			
91	09/28/2009	EXPORT TO INITIAL DATA CAPTURE			

90	09/23/2009	MAIL NOTICE OF ALLOWANCE			
89	09/23/2009	ISSUE REVISION COMPLETED			
88	09/23/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
87	09/23/2009	DOCUMENT VERIFICATION			
86	09/23/2009	NOTICE OF ALLOWABILITY			
85	08/21/2009	DATE FORWARDED TO EXAMINER			
84	08/17/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
83	08/21/2009	DATE FORWARDED TO EXAMINER			
82	08/17/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)		62	78
81	08/21/2009	DISPOSAL FOR A RCE / CPA / R129			
80	08/17/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
79	08/17/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
78	03/16/2009	MAIL FINAL REJECTION (PTOL - 326)			
77	03/15/2009	FINAL REJECTION			
73	01/10/2009	DATE FORWARDED TO EXAMINER			
72	01/05/2009	RESPONSE AFTER NON-FINAL ACTION		32	69
71	01/05/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
70	10/05/2008	CASE DOCKETED TO EXAMINER IN GAU			
69	09/04/2008	MAIL NON-FINAL REJECTION			
68	09/02/2008	NON-FINAL REJECTION			
65	08/13/2008	DATE FORWARDED TO EXAMINER			
64	08/08/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
63	08/13/2008	DATE FORWARDED TO EXAMINER			
62	08/08/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)			
61	08/13/2008	DISPOSAL FOR A RCE / CPA / R129			
60	08/08/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
59	06/26/2008	NOTICE OF APPEAL FILED		92	50
58	06/26/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
57	06/27/2008	MAIL ADVISORY ACTION (PTOL - 303)			
56	06/23/2008	ADVISORY ACTION (PTOL-303)			
55	05/27/2008	NEW OR ADDITIONAL DRAWING FILED			

54	06/07/2008	DATE FORWARDED TO EXAMINER			
53	05/27/2008	AMENDMENT AFTER FINAL REJECTION			
52	05/27/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
50	12/26/2007	MAIL FINAL REJECTION (PTOL - 326)			
49	12/20/2007	FINAL REJECTION			
47	10/18/2007	DATE FORWARDED TO EXAMINER			
46	10/11/2007	RESPONSE AFTER NON-FINAL ACTION		30	43
45	10/11/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
44	10/04/2007	CASE DOCKETED TO EXAMINER IN GAU			
43	06/11/2007	MAIL NON-FINAL REJECTION			
42	06/08/2007	NON-FINAL REJECTION			
41	03/29/2007	DATE FORWARDED TO EXAMINER			
40	03/19/2007	RESPONSE AFTER NON-FINAL ACTION		60	38
39	03/19/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
38	10/18/2006	MAIL NON-FINAL REJECTION	10		31
37	10/16/2006	NON-FINAL REJECTION			
36	09/18/2006	CASE DOCKETED TO EXAMINER IN GAU			
35	08/02/2006	DATE FORWARDED TO EXAMINER			
34	07/31/2006	SUPPLEMENTAL RESPONSE			
33	06/08/2006	NEW OR ADDITIONAL DRAWING FILED			
32	06/16/2006	DATE FORWARDED TO EXAMINER			
31	06/08/2006	RESPONSE AFTER NON-FINAL ACTION			
30	05/17/2006	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE RCE AMENDMENT			
29	05/16/2006	NOTICE OF INFORMAL OR NON-RESPONSIVE RCE AMENDMENT.			
28	05/08/2006	NEW OR ADDITIONAL DRAWING FILED			
27	05/16/2006	DATE FORWARDED TO EXAMINER			
26	05/08/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
25	05/16/2006	DATE FORWARDED TO EXAMINER			
24	05/08/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)		28	18
23	05/16/2006	DISPOSAL FOR A RCE / CPA / R129			
22	05/16/2006	CASE DOCKETED TO EXAMINER IN GAU			
21	05/08/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			

20	05/08/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
19	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
18	01/10/2006	MAIL FINAL REJECTION (PTOL - 326)			
17	01/06/2006	FINAL REJECTION			
16	10/21/2005	DATE FORWARDED TO EXAMINER			
15	10/12/2005	RESPONSE AFTER NON-FINAL ACTION		27	12
14	10/12/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
13	10/12/2005	MISCELLANEOUS INCOMING LETTER			
12	06/15/2005	MAIL NON-FINAL REJECTION	878		-1
11	06/13/2005	NON-FINAL REJECTION			
10	06/01/2005	CASE DOCKETED TO EXAMINER IN GAU			
9	03/10/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
8	03/11/2002	CASE DOCKETED TO EXAMINER IN GAU			
7	01/07/2002	CASE DOCKETED TO EXAMINER IN GAU			
6.7	11/19/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	11/19/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	11/19/2001	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
4	12/05/2001	APPLICATION DISPATCHED FROM OIPE			
3	12/04/2001	CORRESPONDENCE ADDRESS CHANGE			
2	11/26/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/19/2001	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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